

REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

As set forth in paragraph 2 of the April 6 Office Action, claims 1 – 6, 9 – 10 and 13 – 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,496,692 to Shanahan (hereinafter “the Shanahan patent”).

As set forth in paragraph 4 of the April 6 Office Action, claims 7 – 8, 11 – 12 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Shanahan patent in view of United States Patent No. 6,704,582 to Le-Faucheur *et al.* (hereinafter “the Le-Faucheur patent”).

These rejections are respectfully disagreed with and traversed below.

II. Applicants' Response – Claim Rejections

A. Rejection of Claims 1 – 6, 9 – 10 and 13 - 15 under 35 U.S.C. § 102(b)

Applicants have amended claims 1, 2, 5, 10 – 12 and 15.

Amended claim 1 now recites “attracting the attention of the user by playing back the selected part of the audio information, volume of the playback depending on proximity of the user to the mobile terminal”. Support for this amendment is found throughout the application as filed; *see*, for example, page 2, lines 13 – 17; page 5, lines 11 – 14.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 1.

Amended dependent claim 2 now recites “wherein receiving selections from selecting means of the mobile terminal further comprises receiving voice commands identifying the selected part of the audio information”. Support for this amendment is found throughout the application as filed; *see*, for example, page 3, lines 18 – 19.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 2.

Amended claim 5 now recites “means for allowing the user to select part of the audio information, the means comprising a display for showing audio information available for selection and a cursor, the cursor for selecting a part of the displayed audio information”. Support for this amendment is found throughout the application as filed; *see*, for example page 3, lines 24 – 26.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 5.

Amended claim 10 now recites “means operable by the user for selecting part of the audio information, where the means is operable to receive voice commands from the user identifying the selected part of the audio information”. Support for this amendment is found throughout the application as filed; *see*, for example page 3, lines 18 – 19.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 10.

Amended claim 15 now recites “means for depicting how much memory remains for storing an audio signal, wherein the memory remaining is represented by a time duration”. Support for this amendment is found throughout the application as filed; *see*, for example, page 8, lines 8 – 11.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 15.

For the foregoing reasons, Applicants respectfully submit that claims 1, 2, 5, 10 and 15 are patentable over the Shanahan patent. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1, 2, 5, 10 and 15. Applicants also respectfully submit that dependent claims 3 – 4, 6, 9 and 13 – 14 are patentable both as depending from allowable base claims and for reasons attributable

to their independently-recited features. Therefore Applicants respectfully request that the rejection of claims 3 – 4, 6, 9 and 13 – 14 be withdrawn as well.

B. Rejection of Claims 7 – 8, 11 – 12 and 16 under 35 U.S.C. § 103(a)

Claim 11 has been similarly amended to claim 1, and now recites “where the means for attracting the attention of the user alters playback volume in dependence on proximity of the user to the mobile terminal”. Support for this amendment is found throughout the application; *see*, for example, page 2, lines 13 – 17; page 5, lines 11 – 14.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 11.

Claim 12 has been similarly amended to claim 15, and now recites “means for depicting how much memory remains for storing audio information, wherein the memory remaining is represented by a time duration”. Support for this amendment is found throughout the application; *see*, for example page 8, lines 8 – 11.

Applicants respectfully submit that it is not seen where any of the art of record, whether taken singly or in combination, either describes or suggests this subject matter of claim 12.

Applicants respectfully submit that claims 7 – 8, 11 – 12 and 16 are patentable over the Shanahan and Le-Faucheur patents, whether taken singly or in combination, as depending from allowable base claims and for reasons attributable to their independently-recited features. Applicants therefore respectfully request that the Examiner withdraw the rejections of claims 7 – 8, 11 – 12 and 16.

III. Conclusion

Applicants submit that in light of the foregoing amendments and remarks the application is now in condition for allowance. Applicants therefore respectfully request that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

July 6, 2006

Date

David M. O'Neill (35,304)

David M. O'Neill (35,304)

Customer No.: 29683

HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203) 925-9400
Facsimile: (203) 944-0245
Email: DOneill@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on the date indicated.

7/6/06

Date

Blaine F. Miron

Name of Person Making Deposit